

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lyon Financial Services, Inc., a Minnesota corporation, with its principal offices at Marshall, Minnesota, d/b/a USBancorp Business Equipment Finance Group,

Civil No. 08-5523 (DWF/JJK)

Plaintiff,

v.

**MEMORANDUM
OPINION AND ORDER**

Shyam L. Dahiya, M.D., Inc., a California corporation; and Shyam L. Dahiya, individually,

Defendants;

and

Shyam L. Dahiya, M.D., Inc., a California corporation, and Shyam L. Dahiya, individually,

Third-Party Plaintiffs,

v.

Syneron, Inc.,

Third-Party Defendant.

John D. Docken, Esq., US Bank, and Troy C. Kepler, Esq., US Bancorp BEFG, counsel for Plaintiff.

Karl A. Oliver, Esq., The Oliver Group, PLC, counsel for Defendants and Third-Party Plaintiffs.

Cynthia A. Moyer, Esq., and Sarah C.S. McLaren, Esq., Fredrikson & Byron, PA, counsel for Third-Party Defendant.

This matter is before the Court on a Motion to Dismiss the Third-Party Complaint brought by Third-Party Defendant Syneron, Inc. (Doc. No. 12.) After oral argument on the matter, the Court indicated its inclination to grant Syneron's Motion, which would have resulted in the case being brought in Illinois or Delaware, pursuant to the parties' contracts. (Doc. No. 24.) Further, the Court directed the parties to attempt to reach a resolution as to where the Third-Party Complaint should be brought. (*Id.*)

After that Order, Third-Party Plaintiff Dahiya requested that the Court delay issuing a ruling on the matter until it could further negotiate with Syneron. (Doc. No. 25.) Then, Dahiya and Syneron sent letters to the Court dated November 3, 2009, and November 17, 2009 (Doc. Nos. 32, 33), indicating that they agreed to have the matter transferred to the United States District Court for the Northern District of Illinois.¹

Based on the parties' agreement, **IT IS HEREBY ORDERED** that:

1. Syneron, Inc.'s Motion to Dismiss (Doc. No. 12) is **DENIED AS MOOT**; and
2. The Third-Party Complaint (Doc. No. 11) is transferred to the United States District Court for the Northern District of Illinois. The Court respectfully directs the Clerk of Court to transfer the Third-Party Complaint (Doc. No. 11) to the United States District Court for the Northern District of Illinois.

Dated: December 4, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

¹ The claims and issues involving Plaintiff Lyon Financial Services, Inc., and Dahiya are not affected by this transfer.